IN RE: PETITION FOR ADMIN. VARIANCE S/S Proctor Avenue, 330' N

centerline of Red Lion Road
11th Election District

5th Councilmanic District (10829 Proctor Avenue)

Lisa & Norman Midwig Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 02-341-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Lisa and Norman Midwig, the legal owners of the subject property. The variance request is for property located at 10829 Proctor Avenue in the White Marsh area of Baltimore County. The variance request is from Section 400.1 of the B.C.Z.R., to permit a detached accessory structure (swimming pool) to be partially located on the side of the principal building in lieu of the required rear, and from Section 400.2 of the B.C.Z.R., to allow said structure to have a setback of 13 ft. from the centerline of an alley in lieu of the required 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts

21402 Maneso that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

As of the date of this Order, the Department of Environmental Protection & Resource Management (DEPRM) has not completed its review of this project. Therefore, the relief granted herein is subject to the Petitioners' compliance with any recommendations made by DEPRM upon completion of their review. In addition, Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Comments submitted by the Office of Planning dated March 7, 2002, a copy of which is attached hereto and made a part hereof.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14 day of March, 2002, that a variance from Section 400.1 of the B.C.Z.R., to permit a detached accessory structure (swimming pool) to be partially located on the side of the principal building in lieu of the required rear, and from Section 400.2 of the B.C.Z.R., to allow said structure to have a setback of 13 ft. from the centerline of an alley in lieu of the required 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Compliance with any recommendations, if any, made by DEPRM.



- 3. Compliance with the recommendations made by the Office of Planning in their correspondence dated March 7, 2002.
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386 Fax: 410-887-3468

March 14, 2002

Mr. & Mrs. Norman Midwig 10829 Proctor Avenue White Marsh, Maryland 21162

> Re: Petition for Administrative Variance Case No. 02-341-A Property: 10829 Proctor Avenue

Dear Mr. & Mrs. Midwig:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

buthy Hotroco

TMK:raj Enclosure



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	10829	Proctor	Ave.		
which is	s presei	ntly zoned	D.R.	5.5	

I/We do solemnly declare and affirm, under the penalties of

Date

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400. 1 to permit a defached accessory structure (swimming pool) to be partial located on the side of the principal building in lieu of the required rear, and section 400.2 to allow said structure to have a setback of 13 feet from the center line of an alley in lieu of the required

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. t, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Norman Midwig Name - Type or Print Name - Type or Print Signature Signature Lfisa Midwig Address Telephone No. Name - Type or Print City State Zip Code 410)344-0795 10829 Proctor Ave. (419)/812-6005 Attorney For Petitioner: Address Telephone No White Marsh MD 21662 Name - Type or Print City State Zip Code Representative to be Contacted: Signature Company Name eddres: Telephone No. Address Telephone No Zip Code City State Zip Code A Public Harring having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \(\frac{1}{2} \) day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning this day of that the subject n regulations of Baltimore County and that the property be reposted Zoning Commissioner of Baltimore County 2-341-A

Reviewed By

Estimated Posting Date

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

	_		•	
That the Affiant(s) does/do presently reside at	10829 Pro Address	ctor Ave.		
·	White Mar	sh,	MD State	21662 Zlp Code
That based upon personal knowledge, the follo Variance at the above address (Indicate hardshi	wing are the fac	cts upon which l		·
We request a varian	ice be gra	nted to al	low an ingro	und swimming
pool be constructed	l partaill	y in the s	ide yard of	the above
mentioned property.	The loc	ation of a	septic syst	em and a
side street make th	e propose	d location	the only vi	.able
álternative.				
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a signature Norman Midwig Name - Type or Print	ormal demand inform	s filed, Affiant(s ation. Signature Name - Type or Property of P	DA Mu	Qu/
STATE OF MARYLAND, COUNTY OF BALTING HEREBY CERTIFY, this \(\sum_{of Maryland, in and for the County aforesaid, per \(\lambda \colon \	rsonally appear			otary Public of the State
AS WITNESS my hand and Notarial Seal	Í	La Ra	M. Ou	, 177.0

My Commission Expires

Notary Public

NOTABREBURIC STATE OF MARYLAND My Commission Expires August 18, 2002

REV 10/25/01

Zoning description for 10829 Proctor Ave.

White Marsh, MD 21662

Beginning at a point on the South side of Proctor Avenue which is 40 feet wide at the distance of 330 feet North of the centerline of the nearest improved intersecting street Red Lion Road which is 30 feet wide.

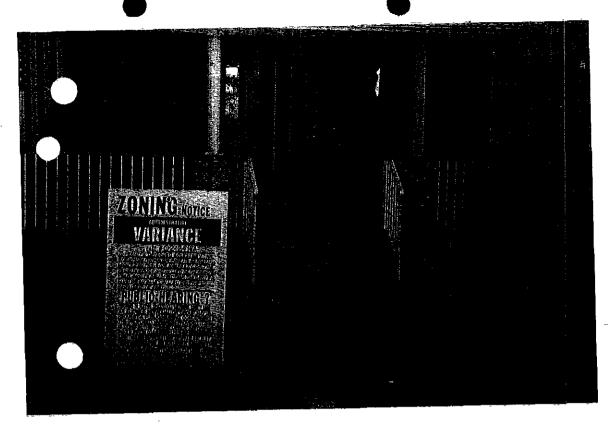
Being Deed Reference 11048 / 252 in the subdivision of Cowentown as recorded in Baltimore County Map 72, Grid 24, Parcel 978, Group 82, Lots 40-41-42-43, containing 21,744 square feet. Also known as 10829 Proctor Ave And located in the 11th election district, In Councilmanic district.

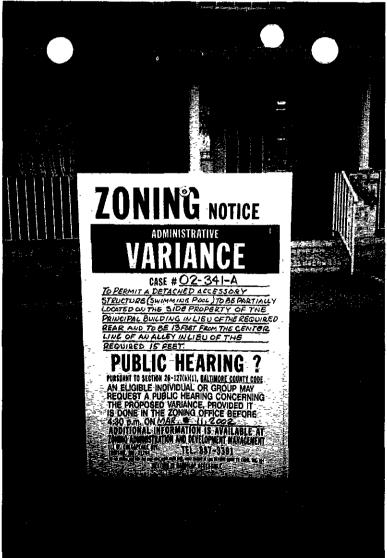
5

<u> 2/15/02</u>	
The state of the s	ACCOUNT 201 006 6150
	AMOUNT \$ 5000
EIVED Voyman	Milwa
,	C. 32 F 02-341. A

CASHIER'S VALIDATION

	RE: Case No.: 02-341-A
	Petitioner/Developer:
	NORMAN MIDWIG
	Date of Hearing/Closing: MAR. 11, 2002
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perwere posted conspicuously on the property located the penalties of perwere posted conspicuously on the property located the penalties of perwere posted conspicuously on the property located the penalties of perwere penalties of penalties of penalties of penalties of penalties penalt	•
The sign(s) were posted on F5B.	22, 2002
	Month, Day, Year)
	Sincerely, (Signature of Sign Poster and Date)
	GARLAND E. MOORE (Printed Name)
	3225 RYERSONI CIRCLE (Address)
	BALTIM DRE, MD, 21227 (City, State, Zip Code)
	(4(0) 242-4263 (Telephone Number)





DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:				······································
Item Number or Case Number. 34/				
Petitioner: Lisq + Norman Midyay				
Address or Location: 10829 Poctor Ave	White	Ularsh	Cim	21662
PLEASE FORWARD ADVERTISING BILL TO: Name: Liza + Woman Widwig Address 10829 Proctor Ave White Warsh Mid 21662				
Telephone Number 14 410 344-0795	w 4/c) 8/2 -	lous	

Revised 2/20/98 - SCJ

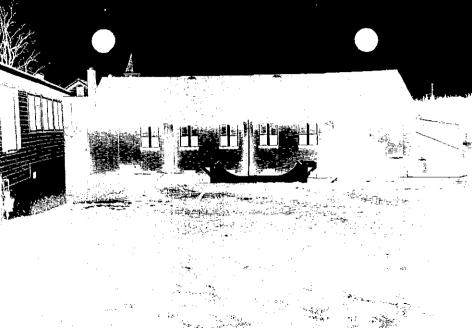
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 341 -A Address 10829 Proctor Ave
Contact Person: David Duvall Phone Number: 410-887-3391
Filing Date: 2/15/62 Posting Date: 2/24 Closing Date: 3/11
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 02- 341 -A Address 10829 Tractor Ave
Petitioner's Name Norman Midway Telephone 410 344 0795
Posting Date: 2/24/02 Closing Date: 3/11/02
Wording for Sign: To Permit a detached accessory structure (swimming pool)
to be partially located on the side property of the principal building
in lieu of therear and to be 13 feet from the center line of an alley
in Tieu of the required 15 feet required WCR-Revised 6/28/00
(required)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

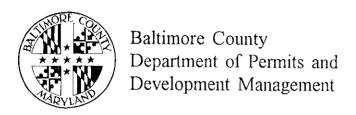












Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

March 11, 2002

Mr. & Mrs. Norman Midwig 10829 Proctor Avenue White Marsh MD 21662

Dear Mr. & Mrs. Midwig:

RE: Case Number: 02-341-A, 10829 Proctor Avenue

The above referenced petition was accepted for processing by the Burcau of Zoning Review, Department of Permits and Development Management (PDM) on February 15, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. GDZ

W. Carl Richard , J.

W. Carl Richards, Jr. 6 1) Z Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 1, 2002

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for March 4, 2002

Item Nos. 317, 331, 332, 334, 335, 336, 337, 338, 340, (41) 342, 343,

345, 348 and 349

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:cab

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

February 28, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF March 4, 2002

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments regarding the following item #'s.

331, 334, 335, 337, 339, 340, 841, 342, 343, 345, 346, 347, 348, 349,

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley Partor

DATE:

March 27, 2002

Zoning Advisory Committee Meeting of March 4, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

317, 331, 332, 336-338, 340-342, 345, 346, 348, 349

Still waiting on Agriculture Preservation Comments for 334, 335, 339.

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley

DATE:

April 1, 2002

Zoning Advisory Committee Meeting of March 4, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

317, 331, 332, 336-338, 340-342, 345, 346, 348, 349

No AG Comments for 334, 335, 339.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: March 7, 2002

SUBJECT: 10829 Proctor Avenue

INFORMATION:

Item Number: 02-341

Petitioner: Norman Midwig

Zoning: DR 5.5

Requested Action: Varinace

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow a structure (swimming pool) to be partially located in the side yard of the property in lieu of the required rear yard, and to allow said structure to have a setback of 13 feet from the center line of an alley in lieu of the required 15 feet provided the following condition is being met:

1. The swimming pool should be buffered from the view of adjacent properties, as well as from the view of Proctor Ave., via a board on board fence in combination with landscaping.

Mark Cump Gary L. Kens

Prepared by:

Section Chief:

AFK/LL:MAC:



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date:

3.1.07

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 341

Dear, Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. 1. Greath

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

